IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4394 of 2005

Between:

1 Durgam Shyam Rao S/o Mogili
Asifabad Depot
2 Jadi Hotku S/o Lingaiah
Both are R/o Jandaguda Village, Asifabad,

Mandal Adilahad District

..... PETITIONERS

AND

1 The Regional Manager, APSRTC, Adilabad
2 The Depot Manager, APSRTC., Adilabad Depot,

Adilabad District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in issuing office order dated 4-1-2005 directing the petitioners to perform exclusively on TIMS services is highly arbitrary bad and illegal and consequently direct the respondents to assign duty other than TIMS Services and pass such other order or orders as deem fit and proper

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondent Nos.1 and 2: SMT.P.RAJANI REDDY, SC FOR APSRTC

The Court at the stage of admission made the following:

ORDER:

Declaring the action of the respondents in issuing office order dated 04.01.2005, directing the petitioners to perform exclusively on Ticket Issuing Machine Service (for short 'TIMS'), as illegal and arbitrary, the present writ petition is filed.

The learned counsel for the petitioners contended that as per the circular instructions, issued by the Regional Manager, Adilabad, all the Depot Managers shall not force the drivers to perform duties on TIMS, and therefore, it is against the Minutes of Meeting dated 17.04.2004, held with Joint Action Committee, Asifabad Depot in the chambers of the Depot Manager, Asifabad. Hence he prays to set aside the impugned order dated 04.01.2005.

On the other hand, the learned standing Counsel, appearing for the respondents, contended that whenever any person coming forward to discharge duty on TIMS, he is deputing to that service, and there is no force or compulsion on drivers to work on TIMS, hence the impugned order does not suffer from any legal infirmities so as to call for interference by this Court.

As seen from the Minutes of Meeting held with the Joint Action Committee, Asifabad Depot in the chambers of the Depot Manager, Asifabad, dated 17.04.2004, TIMS will be introduced in the Depot if willing workers come forward to perform duty on TIMS. The Regional Manager also issued directions to all the Depot Managers not to enforce the drivers to perform duties on TIMS. This circular also indicates that if any person voluntarily comes forward to perform duty on TIMS, the Corporation will impart training and take them on duty.

Since there is no force or compulsion on the drivers to perform duties on TIMS, the impugned proceedings are not contrary to the Minutes of meeting dated 17.04.2004 or to the Circular issued by the Regional Manager, Adilabad. As the impugned proceedings do not suffer from any legal infirmities, the writ petition is devoid of merit.

Therefore, the Writ Petition is dismissed. No order as to costs.

Dated: 07.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager,

APSRTC, Adilabad

2. The Depot Manager,

APSRTC, Adilabad Depot,

Adilabad District

3. Two CD copies

*Form-NIC-OGS/WP{**TRT**}*